



Zoning Administrator Hearing

Minutes

Mizner Conference Room
Mesa City Plaza Building, Suite 130
20 East Main Street
Mesa, Arizona, 85201

John S. Gendron
Hearing Officer

DATE October 2, 2007 **TIME** 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Katrina Rodgers
Constance Bachman

Others Present

Rich Garsaga
Warren Rucker
Jay Borean
Jack Sanfalease

CASES

Case No.: ZA07-093TC

Location: 141 North McDonald

Subject: Requesting a Special Use Permit to: 1) allow a Comprehensive Sign Plan; 2) allow an electronic display that remains static for a minimum of one hour; both in conjunction with a church in the TCR-2 zoning district.

Decision: Approved with the following conditions.

1. *The design of the new monument sign shall comply with the findings of the historic clearance dated August 29, 2007.*
2. *All signage shall be subject to the approval of a separate sign permit.*
3. *Change in display of the static messages shall occur by means of immediate, fade, or dissolve modes and shall be displayed for a minimum period of one hour.*
4. *The intensity of the LED display shall not exceed the levels specified in the City of Mesa Sign Ordinance.*

Summary: Rich Garsaga, Deacon and School Principal, represented the Comprehensive Sign Plan request, noting that he did not have additional information to add to the record. Mr. Gendron discussed the request with the applicant and staff. Discussion included the amount of signage that will remain, the approval of DDC, the recommendation of the Historic Preservation Office, and the electronic message display. Ms. Rogers provided a staff report and recommendation. Mr. Gendron agreed that the request was consistent with the intent of the CSP provisions and would be compatible with surrounding development.

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Finding of Fact:

- The CSP is consistent with the goals of the Town Center Concept Plan. The new monument sign's height and area are justified in order to preserve the historic integrity of the site, located within the West Second Street Historic District.
- The number, height, and area of the overall signage is reduced by the removal of two signs. The CSP is consistent with the intent of the Zoning Ordinance.

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Case No.: ZA07-103

Location: 2909 South Dobson Road

Subject: Requesting a Special Use Permit to allow the modification of an existing Comprehensive Sign Plan in the C-2 zoning district.

Decision: Continued to the October 16, 2007 hearing.

Summary: N/A

Finding of Facts: N/A

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Case No.: ZA07-104

Location: 7125 East Indigo Street

Subject: Requesting variances to allow a detached accessory building which exceeds fifty percent (50%) of the primary dwelling in the R1-35 zoning district

Decision: Approved with the following conditions.
1. Compliance with the site and landscape plans submitted.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Summary: Jay Borean, property owner, represented the variance request, providing background to variance request and the lot split that has created the variance need. Mr. Gendron discussed the request with the applicant and staff. Discussion included the existing development on site, lot size in comparison to zoning, and County annexation. Mr. Hash provided a staff report and recommendation. Mr. McVay noted that the portable storage shed is included in the roof coverage calculation. Mr. Gendron agreed the size of the lot represents a unique condition that does permit development of the lot consistent with the lot size in approving the request.

Findings:

- The owner originally bought the lot in 2003, razing and rebuilding the home, clearing the lot of abandoned vehicles and garbage. At the time of the reconstruction the applicant built a permitted RV /storage building in the rear quarter of the property.
- In 2006 the property owner split the lot producing two, approximately one (1) acre lots selling the lot containing the newly rebuilt home and keeping a second parcel with the RV/Storage was kept by the owner for the purposes of building a new home. During the construction document process the owner was advised that the home that he had proposed would not be approved due to it having to be at least double the size of the RV/Storage, which is approximately 4,000 SF.
- The lot was illegally split providing a lot that had an accessory structure that preceded the primary dwelling unit. The RV/Storage unit is pre-existing to the lot split and legally permitted at the time of construction. While the splitting of the original parcel by the owner is self imposed causing the need for the variance the pre-existing condition of the shop being permitted in excess of 100% of the original primary dwelling and the lot split being permitted by the City of Mesa, makes that hardship null and void.
- The lot is currently zoned R1-35 although it is much greater at over one acre in area posing a unique condition that applies to the applicants lot that would not normally occur in the R1-35 zoning district. Current development standards allow for the R1-43 zoned parcels to have by right detached accessory building that are 100% of the primary structure.
- Strict compliance with current City of Mesa development standards will prohibit the owner from building a home on the lot without the complete or partial demolition of the RV/Storage to bring it to fewer than fifty percent of the proposed 5,645 sf primary dwelling unit. The ability to construct a reasonable sized home on an existing, legally created, lot is not a grant of special privileges.

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Case No.: ZA07-105

Location: 6240 East Hermosa Vista Drive

Subject: Requesting: 1) Special Use Permit to allow a detached accessory living quarters; and 2) a variance to allow a detached accessory building to encroach into the required rear yard in the R1-6-DMP zoning district.

Decision: Continued to the October 16, 2007 hearing.

Summary: The applicant was not present at the public hearing. Jack Sanfalease, neighboring property owner, was present in opposition to the request. His concerns related to the RV garage, the location of the RV garage in relation to his property, the aesthetics of the RV garage, the reduction in property value, the diesel fumes, and the damage to property wall. Mr. Gendron and staff discussed current Code requirements in relation to the request.

Finding of Facts: N/A

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:10 p.m.

The cases for this hearing were recorded and are available upon request.

Respectfully submitted,

John Gendron
Hearing Officer

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